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SERVICE DATE – NOVEMBER 15, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 143X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT AND DISCONTINUANCE OF  
TRACKAGE RIGHTS EXEMPTION—IN WRIGHT, FRANKLIN AND CERRO GORDO  
COUNTIES, IA

Decided: November 12, 2004

On February 10, 2000, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for Iowa Trails Council and the Wright County Conservation Board, a county government agency (collectively, ITC), to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for the 12.38-mile line of railroad over the Thornton Industrial Lead (formerly known as the Fort Dodge Branch) from milepost 17.14 near Thornton to milepost 29.52 near Belmond, in Wright, Franklin and Cerro Gordo Counties, IA. The negotiation period was extended several times; the latest extension is scheduled to expire on November 15, 2004.<sup>1</sup>

By facsimile filed November 5, 2004, ITC requests an extension of the NITU negotiation period for an additional 180 days. ITC states that UP needs more time to consider the offer to purchase the right-of-way that ITC indicates has been made. On November 8, 2004, UP advised that it is willing to continue to negotiate with ITC.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. Under the circumstances, an extension of the negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended for an additional 180 days from November 15, 2004 (until May 14, 2005).<sup>2</sup>

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<sup>1</sup> The most recent extension of the negotiation period under the NITU was authorized by decision served May 17, 2004.

<sup>2</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. ITC's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to May 14, 2005.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary